

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

N.L., individually and on behalf of
M.C., a child with a disability,

DECLARATION

Plaintiff,

-against-

Case No. 1:21-cv-11215-LGS

NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendant.

ANDREW K. CUDDY declares, under penalty of perjury, that the following is true and correct:

1. I am an attorney duly admitted in the State of New York, and I have been counsel for Plaintiff N.L. throughout the entirety of this matter, as well as her prior cases with our Firm. I make this declaration from personal knowledge and the attached Exhibit H (timesheets since May 19, 2022), and I submit this Declaration in reply, accompanying Plaintiff's Reply Memorandum, and in further support of Plaintiff's motion for summary judgment.

REQUESTED FEES, COSTS, AND INTEREST

2. Our Firm has fee decisions that have stated their rejection of several of DOE's arguments and characterizations about what Mr. Alexander calls "practices".

3. DOE's objections, provided for the first time in their summary judgment opposition, have been reviewed.

4. As discussed in more detail in the accompanying Reply Memorandum, the following reductions (in addition to those already made) are agreeable and made in the updated billing chart below, in the interest of a more amicable resolution of concerns DOE seems to have:

a. 0.1 hour by Ms. Smith is struck;

- b. 0.8 hours by Mr. Kopp (comprising of four 0.1-hour entries and two 0.2-hour entries) are shifted to a paralegal rate;
- c. 0.3 hours by Mr. Kopp (comprising of three 0.1-hour entries) are reduced to 0.1 at a paralegal rate.
5. After applying all discretionary reductions to this matter (including those from my initial Declaration and those listed above), Plaintiff's requested subtotals and total are as follows:

CASE NO. 192541¹ – ADMINISTRATIVE COMPONENT (Exs. A-B)			
Andrew K. Cuddy (managing attorney)	\$550.00	7.40	\$4,070.00
Justin Coretti (attorney)	\$425.00	0.90	\$382.50
Jason Sterne (attorney)	\$550.00	1.50	\$825.00
Benjamin Kopp (lead attorney)	\$400.00	77.40	\$30,960.00
<i>Per ¶ 4(b)-(c) above, -1.1 hour</i>		-1.10	
<i>Benjamin Kopp (lead attorney subtotal)</i>		76.30	\$30,520.00
Benjamin Kopp (paralegal time)			
<i>Per ¶ 4(b)-(c) above +1.1 hour</i>	\$225	+1.10	\$247.50
Kevin Mendillo (attorney)	\$450.00	0.20	\$90.00
Shobna Cuddy (senior paralegal)	\$225.00	3.20	\$720.00
Cailin O'Donnell (paralegal)	\$225.00	3.50	\$787.50
Amanda Pinchak (paralegal)	\$225.00	3.70	\$832.50
Khrista Smith (paralegal)	\$225.00	0.90	\$202.50
<i>Per ¶ 4(a) above -0.1 hour</i>		-0.10	
<i>Khrista Smith (paralegal subtotal)</i>		0.80	\$180.00
Burhan Meghezzi (paralegal)	\$225.00	4.30	\$967.50
Allyson Green (paralegal)	\$225.00	3.00	\$675.00
FEE SUBTOTAL			\$40,130.00
			\$39,915.00
Copying			\$7.50
Postage			\$131.07
COST SUBTOTAL			\$138.57
<i>ADMINISTRATIVE COMPONENT SUBTOTAL WITHOUT INTEREST</i>			\$40,268.57
			\$40,053.57
Prejudgment Interest @ 3.25% prime rate from 6/22/21 post-hearing fee demand (\$40,053.57) to 08/05/22 (409 days)			
			\$1,186.81
			\$1,458.66

¹ Due to an inadvertent error, the case number and only the case number was incorrect on the prior chart; and has been corrected herein. See R. 0042. The error did not affect any hours or calculations, which remain correct.

ADMINISTRATIVE COMPONENT			\$41,455.38
SUBTOTAL WITH INTEREST			\$41,512.23
FEDERAL COMPONENT (Exs. C, H)			
Andrew K. Cuddy (managing attorney)	\$550.00	6.00	\$3,300.00
Since 05/19/22		+1.70	
A. Cuddy (managing attorney subtotal)		7.70	\$4,235.00
Benjamin Kopp (lead attorney)	\$400.00	41.20	\$16,480.00
Since 05/19/22		+11.60	
Benjamin Kopp (lead attorney subtotal)		52.80	\$21,120.00
Cailin O'Donnell (paralegal)	\$225.00	1.50	\$337.50
Shobna Cuddy (senior paralegal)	\$225.00	1.50	\$337.50
Since 05/19/22		+0.40	
Shobna Cuddy (senior paralegal subtotal)		1.90	\$427.50
FEE SUBTOTAL			\$20,455.00
			\$26,120.00
Filing Fee			\$402.00
Postage			\$1.60
COST SUBTOTAL			\$403.60
FEDERAL COMPONENT SUBTOTAL			\$20,858.60
			\$26,523.60
GRAND TOTAL WITHOUT INTEREST			\$61,127.17
			\$66,577.17
GRAND TOTAL WITH INTEREST			\$62,313.98
			\$68,035.83

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 5th day of August, 2022.

s/ Andrew K. Cuddy
ANDREW K. CUDDY, ESQ.